IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.787 OF 2005

Tanaji Agatrao Gund ...Petitioner

vs.

Sou.Taramati @ Sharda T.Gund & Anr. ...Respondents

Mr.I.M.Khairdi for the Petitioner
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 24,2005

P.C.:

1. Heard learned Advocate for the Petitioner. He submitted that the Courts below committed an error by holding that the respondent No.1 has established that she was the legally wedded wife of the Petitioner. He submitted that the findings in that behalf are perverse. He submitted that in any event the said findings will come in the way of the Petitioner in civil action which he proposes to take.

2. The proceedings under Section 125 of the Code of Criminal Procedure, 1973 are the proceedings of summary nature. In such summary proceedings, on the basis of available material on record the Courts below have held that the Respondent No.1 is entitled to monthly allowance. No fault can be found with the said findings under Article 227 of Constitution of India.

3. The second submission of the learned Advocate for the

Petitioner has no merit. As stated earlier the proceedings under Section 125 of the said Code are summary proceedings and therefore the findings which are recorded in such proceedings relating to the validity of marriage are always for a limited purpose of deciding the question of entitlement to monthly allowance under section 125 of the said Code and such findings are not conclusive in so far as the Civil proceedings are concerned.

4. Subject to what is stated above, there is no merit in the Petition and the same is rejected.

JUDGE